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In re Application of :
PANICKE, et al. :
Application No.: 10/575,647 : DECISION ON PETITION
PCT No.: PCT/EP04/52482 :
Int. Filing Date: 08 October 2004 : UNDER 37 CFR 1.181
Priority Date: 13 October 2003 :
Atty Docket No.: F-9049 :
For: DEVICE FOR COUPLING AN ULTRASOUND :
CLAMP-ON MEASURING HEAD PLACED ON :
THE WALL OF A TUBE :
:

This is a decision on applicant's correspondence filed 22 October 2007 in the United States Patent and Trademark Office (USPTO). The paper is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 08 October 2004, applicant filed international application PCT/EP04/52482, which claimed priority to an earlier application filed 13 October 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 April 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2006.

On 13 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; an Information Disclosure Statement and a First Preliminary Amendment.

On 12 June 2006, applicant filed an executed combined declaration and power of attorney of the inventors.

On 15 March 2007, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements as 26 June 2006.

On 29 March 2007, applicant filed a petition claiming that the 371 requirements were satisfied on 12 June 2006 and requesting a new Form PCT/DO/EO/903 and corrected filing

receipt. An additional copy of the petition was filed on 22 October 2007.

DISCUSSION

A review of the application file, as well as, the presently filed stamped return postcard finds that applicant is correct that the last of the 35 U.S.C. 371 requirements (the executed combined declaration and power of attorney of the inventors) was filed with the USPTO on 12 June 2006. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 08 October 2004 under 35 U.S.C. 363 and will be given a date of **12 June 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 15 March 2007 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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